

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6142 of 2019

1. Shatrughan Pujari S/o Folo Pujari Aged About 53 Years
2. Gokul Sidar S/o Govind Sidar Aged About 18 Years

Both are R/o Village Dabhra, Police Station and Tahsil Baramkela,
District Raigarh Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Baramkela, District Raigarh Chhattisgarh.

---- Respondent

For Applicants : Mr. Ashish Gupta, Advocate
For Respondent : Mr. Roshan Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/09/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.155/2019, registered at Police Station- Baramkela, District – Raigarh (C.G.) for the offence punishable under Section 34 (1)A, (2) 59 (A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 20 bulk liters and they were arrested on 29.08.2019.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 29.08.2019; therefore, they may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, three previous prosecution under the provision of I.P.C. are registered against the applicants, therefore, they may not be released on bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 20 bulk liters; offence is triable by the JMFC and the applicants are in jail since 29.08.2019, this Court is inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge